

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

Applicant: Giles et al.

Application No: Not yet assigned

Filing Date: Herewith

Attorney Docket No: Giles 71-7-16-9

Title: OPTICAL DEVICE WITH CONFIGURABLE  
CHANNEL ALLOCATION

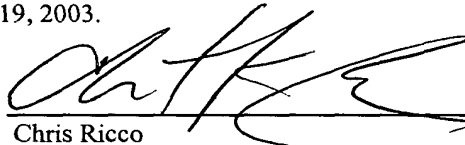
Art Group: N/A

Examiner: N/A

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 19, 2003.

  
Chris Ricco

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Arlington, VA 22202

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) ☒ accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.
- (c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits.
- (d) ☐ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$230) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.
- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) are checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

- (g) ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449.

A copy of the items on PTO-1449 is supplied herewith:

- (h) ☒ each  
(i) ☐ none  
(j) ☐ only those listed below:

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached form PTO-1449 are not supplied because they were previously cited by or submitted to the Office in a prior application Serial No. \_\_\_, filed \_\_\_ and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 is:

- (k) ☒ not given  
(l) ☐ given for each listed item  
(m) ☐ given for only non-English language listed item(s) [Required]  
(n) ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or

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paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

[X] The Commissioner is hereby authorized to charge Deposit Account No. 19-5425 for any fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,



Stephen J. Driscoll, Esquire  
Registration No. 37,564  
Synnestvedt & Lechner LLP  
2600 Aramark Tower  
1101 Market Street  
Philadelphia, PA 19107-2950  
Telephone: (215) 923-4466  
Facsimile: (215) 923-2189

September 19, 2003  
Date

SJD/dl  
Enclosures

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				Docket Number (Optional)		Application Number		
				Giles 71-1-16-9		Not yet assigned		
				Applicant(s)				
				Giles et al.				
Filing Date				Group Art Unit				
Herewith				N/A				
<b>U.S. PATENT DOCUMENTS</b>								
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	5,960,133	9/28/99	Tomlinson	385	18	1/27/98	
	AB	6,268,952 B1	7/31/01	Godil et al.	359	291	7/14/99	
	AC	2002/0131687	9/19/02	Wilde	385	24	8/23/01	
	AD	2002/0196520 A1	12/26/02	Marom et al.	359	290	8/31/01	
	AE							
	AF							
	AG							
	AH							
	AI							
	AJ							
	AK							
<b>FOREIGN PATENT DOCUMENTS</b>								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	AL							
	AM							
	AN							
	AO							
	AP							
<b>OTHER DOCUMENTS</b> <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>								
	AQ	D.T. Neilson et al., "Channelized Dispersion Compensator with Flat pass bands using an array of deformable MEMS mirrors" Optical Fiber Communication Conference, 2003, PD 29 (2003)						
	AR							
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								